

of title 20 of the Code of Federal Regulations, relating to allowable training costs under the Job Training Partnership Act [this chapter], payment for training packages purchased competitively pursuant to section 141(d)(3) of such Act [29 U.S.C. 1536(d)(3)] in the case of youth shall include payment for the full unit price if the training results in either placement in unsubsidized employment or the attainment of an outcome specified in section 106(b)(2) of such Act [29 U.S.C. 1516(b)(2)].”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1514, 1518, 1576, 1604, 1644, 1733, 1783 of this title.

### § 1552. Benefits

#### (a) Payments; compensation; wages; application to territories

Except as otherwise provided in this chapter, the following provisions shall apply to all activities financed under this chapter:

(1) A trainee shall receive no payments for training activities in which the trainee fails to participate without good cause.

(2) Individuals in on-the-job training shall be compensated by the employer at the same rates, including periodic increases, as similarly situated employees or trainees and in accordance with applicable law, but in no event less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 [29 U.S.C. 206(a)(1)] or the applicable State or local minimum wage law.

(3) Individuals employed in activities authorized under this chapter shall be paid wages which shall not be less than the highest of (A) the minimum wage under section 6(a)(1) of the Fair Labor Standards Act of 1938 [29 U.S.C. 206(a)(1)], (B) the minimum wage under the applicable State or local minimum wage law, or (C) the prevailing rates of pay for individuals employed in similar occupations by the same employer.

(4) References in paragraphs (2) and (3) to section 6(a)(1) of the Fair Labor Standards Act of 1938 [29 U.S.C. 206(a)(1)]—

(A) shall be deemed to be references to section 6(c) of that Act [29 U.S.C. 206(c)] for individuals in the Commonwealth of Puerto Rico;

(B) shall be deemed to be references to section 6(a)(3) of that Act [29 U.S.C. 206(a)(3)] for individuals in American Samoa; and

(C) shall not be applicable for individuals in other territorial jurisdictions in which section 6 of the Fair Labor Standards Act of 1938 [29 U.S.C. 206] does not apply.

#### (b) Allowances, earnings, and payments as income

Allowances, earnings and payments to individuals participating in programs under this chapter shall not be considered as income for the purposes of determining eligibility for and the amount of income transfer and in-kind aid furnished under any Federal or federally assisted program based on need, other than as provided under the Social Security Act [42 U.S.C. 301 et seq.].

(Pub. L. 97-300, title I, §142, Oct. 13, 1982, 96 Stat. 1345; Pub. L. 97-404, §1(g), Dec. 31, 1982, 96 Stat. 2026; Pub. L. 102-367, title I, §132, Sept. 7, 1992, 106 Stat. 1045.)

#### REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (b), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended, which is classified generally to chapter 7 (§301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

#### AMENDMENTS

1992—Subsec. (a)(4). Pub. L. 102-367, §132(1), added par. (4).

Subsec. (b). Pub. L. 102-367, §132(2), substituted “other than as provided” for “other than programs”.

1982—Subsec. (b). Pub. L. 97-404 inserted “furnished under any Federal or federally assisted program based on need” after “aid”.

#### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-367 effective July 1, 1993, see section 701(a) of Pub. L. 102-367, set out as an Effective Date of 1992 Amendment; Transition Provisions note under section 1501 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 7 section 2014; title 42 sections 12637, 12899e.

### § 1553. Labor standards

#### (a) Employment conditions; local standards; workers' compensation; workplace comparability; retirement plan exclusion

(1) Conditions of employment and training shall be appropriate and reasonable in light of such factors as the type of work, geographical region, and proficiency of the participant.

(2) Health and safety standards established under State and Federal law, otherwise applicable to working conditions of employees, shall be equally applicable to working conditions of participants. With respect to any participant in a program conducted under this chapter who is engaged in activities which are not covered by health and safety standards under the Occupational Safety and Health Act of 1970 [29 U.S.C. 651 et seq.], the Secretary shall prescribe, by regulation, such standards as may be necessary to protect the health and safety of such participants.

(3) To the extent that a State workers' compensation law is applicable, workers' compensation benefits in accordance with such law shall be available with respect to injuries suffered by participants. To the extent that such law is not applicable, each recipient of funds under this chapter shall secure insurance coverage for injuries suffered by such participants, in accordance with regulations prescribed by the Secretary.

(4) All individuals employed in subsidized jobs shall be provided benefits and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work.

(5) No funds available under this chapter may be used for contributions on behalf of any participant to retirement systems or plans.

#### (b) Nondisplacement of local workers; existing collective bargaining agreements; non-availability for layoff replacement; non-infringement of promotion opportunity

(1) No currently employed worker shall be displaced by any participant (including partial dis-